



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

April 23, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

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SACRAMENTO UPDATE

Executive Summary

This memorandum contains Pursuit of County Positions on the following product stewardship Legislation:

- **AB 403 (Stone).** This measure would require businesses that sell medical sharps to establish a produce stewardship plan for the end-of-life management of home-generated medical sharps.
- **AB 488 (Williams).** This measure would require producers of non-rechargeable household batteries to develop and implement a plan to collect and manage batteries sold in the State.
- **SB 727 (Jackson).** This measure would require producers of pharmaceutical products sold in the State to develop and implement a program to collect, transport, and process home-generated pharmaceutical drug waste.

Unless otherwise directed by the Board, consistent with existing policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local government to producers, **the Sacramento advocates will support AB 403, AB 488, and SB 727.**

"To Enrich Lives Through Effective And Caring Service"

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Pursuit of County Position on Legislation

AB 403 (Stone), which as amended on April 8, 2013, would require businesses that sell medical sharps to establish a product stewardship plan for the end-of-life management of home-generated medical sharps. Specifically, this bill would: 1) establish the Safe Home-Generated Sharps Recovery Program for home-generated hypodermic needles, syringes with needles attached, pen needles, intravenous needle, or any other similar device intended to self-inject medication at home; 2) require the producers of injection devices to develop and implement a program to collect, transport, and process home-generated sharps to be overseen by the Department of Resource Recovery and Recycling (DRRR); 3) require, on or before April 15, 2015, medical sharp producers or a stewardship organization designated by medical sharps producers to submit a medical sharps stewardship plan to DRRR; 4) require DRRR to review and approve the plans by January 1, 2016 and to post on its website a list of producers for which the Department has approved a plan; 5) establish administrative civil penalties for any person who violates the requirement of this bill; and 6) direct penalty fees to be deposited into the Safe Sharps Disposal Penalty Account to be used, upon appropriation by the Legislature, to enforce the bill's requirements.

Existing law prohibits a person from knowingly placing home-generated sharps waste in trash or recycling containers and requires that home-generated sharps waste be transported to designated collection centers in sharps containers approved by the local enforcement agency. Existing law also requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit, on an annual basis, to the Department of Resources Recycling and Recovery a plan supporting the safe collection and proper disposal of specified waste devices.

AB 403 would require, on or before April 1, 2015, medical sharps producers or a stewardship organization designated by medical sharps producers to submit a plan to DRRR to do all of the following: 1) include the development and implementation of a recovery program to reduce the generation and manage the collection, transporting, processing, disposal of home generated medical sharps; 2) include provisions to meet collection rates of 25 percent and 20 percent to be met in 2016 and 2017, respectively. In subsequent years, the plans will be required to meet collection rates established by DRRR; 3) include a mechanism to provide sufficient funding to carry out the program; 4) include education and outreach for consumers, the medical community, and retailers that would promote the collection of home-generated sharps; 5) provide for a home-generated sharps collection point to be established in every county in the State, and that the number of home-generated sharps collection points is equal to at least one for every 25,000 people in the State; 6) require that the funding mechanism be an amount that cumulatively will adequately fund the program; and 7) require that home-generated medical sharps producers, and not

consumers, are responsible for implementing the home-generated sharps stewardship program.

According to the Department of Public Works (DPW), despite existing law making it illegal to dispose of home-generated sharps waste in trash or recycling containers, local jurisdictions were not mandated to implement new collection programs for home-generated sharps waste. However, local governments, by default, have carried the financial burden of managing home-generated sharps collection programs. In an effort to assist residents comply with the law, DPW took a proactive role and launched the County Home-Generated Sharps Waste Management Program in July 2008. Through this program, DPW partners with several cities, County departments, Goodwill stores, and other public/private organizations to provide locations throughout the County for residents to obtain sharps containers free of charge, as well as locations to dispose of filled sharps containers properly free of charge. In addition, the County offers a free mail-back program to qualified elderly and disabled residents.

The Department indicates that the total cost to operate the sharps program since its inception has been approximately \$500,000. This includes the purchase of sharps waste containers, advertising, administrative costs, and costs to administer contracts for the collection at Sheriff's stations. DPW recommends support of AB 403 because it would place responsibility directly on producers of injection devices to develop and implement a program to collect, transport, and process home-generated sharps, thereby reducing and potentially eliminating the costs involved in administering the County's program as well as freeing up DPW staff to work on other environmental programs.

The Department of Public Health also recommends support of AB 403 because it would help reduce the majority of illegally disposed syringes and sharps at no net cost to the County.

This office, the Department of Public Works, and the Department of Public Health support AB 403. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local government to producers, **the Sacramento advocates will support AB 403.**

AB 403 is sponsored by the California Product Stewardship Council and supported by: Californians Against Waste; California State Association of Counties; the City of Torrance; Clean Water Action; Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force; Rural County Representatives of California; Sierra Club California; and Waste Management, among others. The bill is

opposed by: AdvaMed; BayBio; BIOCOM; California Healthcare Institute; PhRMA, Silicon Valley Leadership Group; and TechNet.

AB 403 passed the Assembly Environmental Safety and Toxic Materials Committee by a vote of 5 to 2 on April 16, 2013. This measure now proceeds to the Assembly Appropriations Committee.

AB 488 (Williams), which as amended on April 8, 2013, would: 1) require, by January 1, 2015, a producer or a household battery stewardship organization created by one or more producers of a household battery to submit to the Department of Resources Recycling and Recovery (DRRR) a household battery stewardship plan, which would be required to include specified elements; 2) require the DRRR to review a household battery stewardship plan submitted to the department within 30 days after receipt and to approve or disapprove the plan, as specified; 3) prohibit a producer, wholesaler, or retailer, on and after April 1, 2015, from selling a household battery unless the plan for that battery is approved by the department; 4) require a producer or the household battery stewardship organization to implement the household battery program pursuant to the household battery stewardship plan, including achieving a specified collection rate; 5) require each producer or household battery stewardship organization implementing a household battery stewardship plan to prepare and submit an annual report and a plan to pay the department a plan review fee, as determined by the department, when submitting the plan to the department and to pay an administrative fee, as determined by the department, when submitting the annual report; 6) provide for the imposition of administrative civil penalties upon a wholesaler or retailer selling household batteries in violation of the bill; 7) authorize the fees and penalties to be expended, upon appropriation by the Legislature, to cover the department's program implementation costs and incentives to enhance recyclability and redesign efforts and to reduce environmental and safety impacts of batteries; and 8) allow a producer or organization that is implementing an approved plan and incurring specified costs to bring a civil action to recover costs, damages, and fees from another producer for failure to comply with the bill's provisions.

As of February 8, 2006, the Department of Toxic Substances Control (DTSC) has classified both rechargeable and single use batteries as "universal waste" (or "u-waste") and banned them from being disposed of in landfills under the California Waste Rule. Existing law also requires retailers of rechargeable batteries to have in place a system for the acceptance and collection of rechargeable batteries.

AB 488 would require producers of single-use primary household batteries or stewardship organizations created by producers to submit a single-use primary household battery stewardship plan to the DRRR. AB 488 would also require battery

producers to fund and operate the stewardship plan to properly manage batteries sold in California, and to increase collection and recycling of batteries 25 percent by 2019.

The Department of Public Works reports that each year, approximately 3 billion dry-cell batteries are purchased to power items such as cell phones, radios, watches, and other products. These batteries are a concentrated source of heavy metals such as lead, mercury, cadmium and nickel and, if improperly disposed, may have a negative impact on the environment or cause serious health risks to humans and animals. DPW indicates local governments are currently held responsible for ensuring the proper collection and management of u-waste, and that the 2006 classification of batteries as u-waste imposed an additional unfunded mandate on local governments to collect and manage household batteries.

In an effort to educate and encourage Los Angeles County residents to properly dispose of their household batteries, DPW partnered with the Los Angeles County Public Library to offer residents free and convenient locations to properly dispose of common household batteries such as AA, AAA, C cells, D cells, 9-volt, rechargeable and "button" cell batteries (e.g., watch, camera, hearing aid, etc.) at designated libraries throughout the County. Additionally, the County offers collection mechanisms for batteries along with other hazardous household items at mobile collection events and designated collection sites throughout the County. DPW estimates that these efforts cost approximately \$100,000 each year, in addition to the costs that the County incurs to properly manage batteries purchased for use by County departments.

The Department of Public Works recommends support of AB 488 because it would help reduce the environmental impact of improper disposal of batteries in the County. Additionally, the bill would significantly reduce the County's current expenditures to properly manage and dispose of batteries.

The Department of Public Health also recommends support of AB 488 because it would help reduce the environmental and safety impacts associated with the improper disposal of household batteries.

This office, the Department of Public Works, and the Department of Public Health support AB 488. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local government to producers, **the Sacramento advocates will support AB 488.**

AB 488 is sponsored by the California Produce Stewardship Council and supported by: the California State Association of Counties; Californians Against Waste; City of Covina; City of Torrance; Green Cities California; Napa County Board of Supervisors; Rural County Representatives of California; Santa Barbara County; Sierra Club California; and Sonoma County, among others. The bill is opposed by: AdvMed; BayBio; California Healthcare Institute; California Manufacturers and Technology Association; Silicon Valley Leadership Group; and TechAmerica, among others.

AB 488 passed the Assembly Natural Resources Committee by a vote of 6 to 3 on April 15, 2013. This measure has been referred to the Assembly Appropriations Committee.

SB 727 (Jackson), as amended on April 3, 2013, would establish the Drug Abuse Prevention and Safe Disposal Program and would: 1) require producers, on or before January 1, 2015, to submit a stewardship plan, which must address both solid and liquid pharmaceuticals to DRRR; 2) require producers to consult with stakeholders when developing the plan; 3) require the plan to address coordination with existing local collection systems; 4) require a minimum of collection sites, including at least one collection service within 10 miles of a resident in the State by 2016 with a 20 percent increase in collection service by 2017; 5) require DRRR to post a list of producers who have submitted a plan on their website; 6) require producers to submit an annual report to DRRR on or before April 1, 2016, and every year thereafter; and 7) authorize DRRR to impose an administrative civil penalty on a person who violates the bill's requirements or impose a fine on a producer or stewardship organization if a stewardship plan is not submitted by January 1, 2015. DRRR would be authorized to expend moneys generated from these fines and penalties, upon appropriation by the Legislature, to enforce the bill's requirements.

Existing law requires every city and county in the State to prepare a Household Hazardous Waste Element and provide for the management of household hazardous waste (HHW) generated by the residents in the jurisdiction. Existing law also declares that cities and counties provide for the collection of HHW generated by residential households to ensure proper handling and disposal of the materials in order to prevent contamination. The law further requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit, on an annual basis, to DRRR, a plan supporting the safe collection and proper disposal of specified waste devices.

SB 727 would require the producers of pharmaceuticals to develop and implement a program to collect, transport, and process home-generated pharmaceutical drug waste to reduce the costs, public health, and environmental impacts of the illegal and unsafe

disposal of this type of medical waste. "Home-generated pharmaceutical drug waste" is a prescription or over-the-counter human or veterinary drug that is a waste derived from a household, including, but not limited to, a multifamily residence.

The Department of Public Works reports that improper disposal of household hazardous waste may pose threats to solid waste workers who unknowingly may handle trash containing toxic chemicals and the general public who may come into contact with groundwater and surface water contamination resulting from the disposal of HHW in the sewer system, sanitary landfills, or storm water systems.

The Department of Public Works recommends support of SB 727 because it would protect the public's health and safety by reducing improper disposal of pharmaceutical wastes which reach landfills or contaminate soil and groundwater. By improving the availability of free and convenient options for residents to manage their expired or unused pharmaceutical, the provisions of SB 727 would also reduce the costs associated with the County's "No Drugs Down the Drain" program, which accepts pharmaceutical waste from residents at HHW collection events, designated collection centers and participating Sheriff's stations.

The Department of Public Health recommends support of SB 727 because it would reduce the environmental impact of improperly disposed home-generated pharmaceutical drugs and would shift responsibility for funding and management of disposal of these products from local governments to producers.

This office, the Department of Public Works, and the Department of Public Health support SB 727. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local government to producers, **the Sacramento advocates will support SB 727.**

SB 727 is sponsored by the California Product Stewardship Council and Clean Water Action, and supported by: the California State Association of Counties; California Association of Retired Americans; Californians Against Waste; City of Covina; City of Torrance; Community Prevention of Alcohol and Drug Problems; County of Santa Barbara; Environmental Working Group; Monterey Regional Waste Management Authority; National Coalition Against Prescription Drug Abuse; Natural Resources Defense Council; Sacramento Regional County Sanitation District; San Francisco Public Utilities Commission; Sonoma County Water Agency; Sonoma County Waste Management Authority; West Contra Costa Integrated Waste Management; and Yolo

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County Waste Advisory Committee, among others. There is no registered opposition to the bill at this time.

SB 727 is scheduled for hearing in the Senate Environmental Quality Committee on May 1, 2013.

We will continue to keep you advised.

WTF:RA
MR:AO:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants